SUPPORT TO NON-FEDERAL ENTITIES

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Areas of Inquiry

- “Non-federal entity”
- Underlying principles
- Forms of ANG support

“Non-federal entity”

- … a self sustaining, non-federal organization established and maintained by individuals acting outside the scope of the federal government.

  - JER §1-221

Underlying Principles

- Official government resources are for official government purposes
- The government must remain neutral; not favoring one organization or individual over another

Types of ANG Support to Non-Federal Entities

- Co-sponsorship
- Endorsement
- Logistical support
- Civil-Military Innovative Readiness Training (IRT)
- Support of charitable fundraising efforts

ANG Support: co-sponsorship

- Nonfederal entity must be a scientific, technical, educational,or professional organization (not commercial)
- The DoD component must develop the substantive concepts
- Written MOU

ANG Support: Endorsement

- Prohibited! (whether direct or implied)
  - does not matter if event is co-sponsored
  - regardless of how worthy the entity is (the ANG cannot endorse all equally, so it must praise none)
- Exceptions are those entities specifically provided for by law (AFAF, CFC)

ANG Support: Logistics

- DoD facilities, equipment, personnel
- Allowable only if the 7-part test set forth in the JER, §3-211 are met

7-part JER test for Logistical Support

- (1) Support does not interfere with the performance of official duties and would in no way detract from readiness

- (2) ANG community relations with the immediate community and/or other legitimate DoD public affairs, or military training interests are served by the support

7-part JER test for Logistical Support (cont.)

- (3) It is appropriate to associate with this event (neither ANG nor DoD will be embarrassed)

- (4) The event is of interest and benefit to the local civilian community, the DoD component command, or the organization providing support

7-part JER test for Logistical Support (cont.)

- (5) The ANG unit is able and willing to provide the same support to other comparable events that meet the criteria of this section and are sponsored by other similar non-federal entities

- (6) The use is not restricted by other statutes/regulations**

7-part JER test for Logistical Support (cont.)

- (7) No admission fee, beyond what will cover the reasonable cost of sponsoring the event , is charged for the event, the promotion of the event supported by DoD, or DoD support to the event is incidental to the entire event

7-part JER test for Logistical Support (cont.)

- **Other statutes/regulations
- DoDD 5410.18 *Community Relations*
  - policy for interaction between military and civilians
  - another checklist mirroring the JER 7 part analysis

AFI 32-9003, *Granting Temporary use of AF Real Property*

ANG Support: Innovative Readiness Training

- Requestor certification that support is not reasonably available from a commercial entity
- Support meets valid training requirement
- Quality of training not adversely affected
- Members perform tasks in their AFSC
- No military aircraft

ANG support of Charitable Fundraising Efforts

- JER lists specific charities that the ANG can support
- Certain agencies have statutory authority for fundraising support (AFAF, CFC)
- Congress recognized a special relationship between ANG and certain agencies as set out in 32 U.S.C. 508 (Boy Scouts, Girls Scouts, YMCA, 4-H Club, CAP, Special Olympics, etc.)

COMMON PITFALLS

- Failure to document decisions
- Failure to:
  - jump through all the statutory/regulator hoops
  - make consistent decisions

QUESTIONS/COMMENTS / CONFUSION?